

ONTARIO REGULATION 654/20

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

Made: November 22, 2020
Filed: November 22, 2020
Published on e-Laws: November 22, 2020
Printed in *The Ontario Gazette*: December 12, 2020

Amending O. Reg. 82/20
(RULES FOR AREAS IN STAGE 1)

1. Section 1 of Ontario Regulation 82/20 is amended by striking out “1, 2, 3, 4 and 5” at the end and substituting “1, 2, 3 and 4”.

2. Section 2 of the Regulation is revoked.

3. The Regulation is amended by adding the following section:

Indoor vs. outdoor

4. (1) The outdoor capacity limits set out in this Order apply to a business, place, event or gathering if the people attending it are only permitted to access an indoor area,

- (a) to use a washroom;
- (b) to access an outdoor area that can only be accessed through an indoor route; or
- (c) as may be necessary for the purposes of health and safety.

(2) The indoor capacity limits set out in this Order apply to a business, place, event or gathering if the business, place, event or gathering is fully or partially indoors.

(3) An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

4. Schedules 1, 2, 3, 4 and 5 of the Regulation are revoked and the following substituted:

**SCHEDULE 1
GENERAL RULES**

Closures

1. (1) Each person responsible for a business, or a part of a business, that is not listed in Schedule 2 or 3 shall ensure that the business, or part of the business, is closed.

(2) Each person responsible for a business, or part of a business, that is listed in Schedule 2 or 3 subject to conditions shall ensure that the business, or part of the business, either meets those conditions or is closed.

(3) Each person responsible for a place, or a part of a place, that is required to be closed by Schedule 3 shall ensure that the place, or part of the place, is closed in accordance with that Schedule.

(4) Each person responsible for a place, or a part of a place, that is listed in Schedule 3 subject to conditions shall ensure that the place, or part of a place, either meets those conditions or is closed.

(5) Each person responsible for a business or place, or part of a business or place, that does not comply with sections 2 to 10 of this Schedule shall ensure that it is closed.

(6) Despite subsections (1) to (5), temporary access to a business or place, or part of a business or place, that is required to be closed is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the business or place in order to comply with any applicable law;
- (b) preparing the business or place to be reopened;
- (c) allowing for inspections, maintenance or repairs to be carried out at the business or place;
- (d) allowing for security services to be provided at the business or place; and
- (e) attending at the business or place temporarily,

(i) to deal with other critical matters relating to the closure of the business or place, if the critical matters cannot be attended to remotely, or

(ii) to access materials, goods or supplies that may be necessary for the business or place to be operated remotely.

(7) Nothing in this Order precludes a business or organization from operating remotely for the purpose of,

(a) providing goods by mail or other forms of delivery; and

(b) providing services online, by telephone or by other remote means.

(8) Nothing in this Order precludes a business or place from providing access to an outdoor recreational amenity that is permitted to open under section 4 of Schedule 3, including by opening such limited areas of the business or place as are necessary to enable access.

(9) Nothing in this Order precludes operations or delivery of services by the following in Ontario:

1. Any government.

2. Any person or publicly-funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

General compliance

2. (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

(3) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health on screening individuals.

(4) The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area unless the person in the indoor area,

(a) is a child who is younger than two years of age;

(b) is attending a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;

(c) is attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;

(d) is receiving residential services and supports in a residence listed in the definition of “residential services and supports” in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;

(e) is in a correctional institution or in a custody and detention program for young persons in conflict with the law;

(f) is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;

(g) has a medical condition that inhibits their ability to wear a mask or face covering;

(h) is unable to put on or remove their mask or face covering without the assistance of another person;

(i) needs to temporarily remove their mask or face covering while in the indoor area,

(i) to receive services that require the removal of their mask or face covering,

(ii) to engage in an athletic or fitness activity,

(iii) to consume food or drink, or

(iv) as may be necessary for the purposes of health and safety;

(j) is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*;

(k) is being reasonably accommodated in accordance with the *Human Rights Code*; or

- (l) performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.

(5) Subsection (4) does not apply with respect to premises that are used as a dwelling if the person responsible for the business or organization ensures that persons in the premises who are not entitled to an exception set out in subsection (4) wear a mask or face covering in a manner that covers their mouth, nose and chin in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.

(6) For greater certainty, it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the exceptions set out in subsection (4).

(7) A person shall wear appropriate personal protective equipment that provides protection of the person's eyes, nose and mouth if, in the course of providing services, the person,

- (a) is required to come within two metres of another person who is not wearing a mask or face covering in a manner that covers that person's mouth, nose and chin during any period when that person is in an indoor area; and
- (b) is not separated by plexiglass or some other impermeable barrier from a person described in clause (a).

Capacity limits for businesses or facilities open to the public

3. (1) The person responsible for a place of business or facility that is open to the public shall limit the number of persons in the place of business or facility so that,

- (a) the members of the public are able to maintain a physical distance of at least two metres from every other person in the business or facility; and
- (b) the number of persons occupying any room that is open to the public in the business does not exceed 50 per cent of the capacity of the particular room.

(2) For greater certainty, subsection (1) does not require persons who are in compliance with public health guidance on households to maintain a physical distance of at least two metres from each other while in a place of business or facility.

(3) Subsection (1) does not apply to schools and private schools within the meaning of the *Education Act* that are,

- (a) operating in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health; or
- (b) operated by,
 - (i) a band, a council of a band or the Crown in right of Canada,
 - (ii) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada, or
 - (iii) an entity that participates in the Anishinabek Education System.

Physical distancing and masks or face coverings in lines, etc.

4. The person responsible for a business or place that is open must not permit patrons to line up inside the business or place, or to line up or congregate outside of the business or place, unless they are,

- (a) maintaining a physical distance of at least two metres from other groups of persons; and
- (b) wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4).

Safety plan

5. (1) The person responsible for a business that is open shall prepare and make available a safety plan in accordance with this section, or ensure that one is prepared and made available, on or before November 30, 2020.

(2) The safety plan shall describe the measures and procedures which have been implemented or will be implemented in the business to reduce the transmission risk of COVID-19.

(3) Without limiting the generality of subsection (2), the safety plan shall describe how the requirements of this Order will be implemented in the location including by screening, physical distancing, masks or face coverings, cleaning and disinfecting of surfaces and objects, and the wearing of personal protective equipment.

(4) The safety plan shall be in writing and shall be made available to any person for review on request.

(5) The person responsible for the business shall ensure that a copy of the safety plan is posted in a conspicuous place where it is most likely to come to the attention of individuals working in or attending the business.

Short-term rentals

6. (1) Every person who provides short term rental accommodation shall ensure that any rentals reserved after November 22, 2020 are only provided to individuals who are in need of housing.

(2) Subsection (1) does not apply with respect to hotels, motels, lodges, resorts and other shared rental accommodation, including student residences, but does apply with respect to cabins and cottages.

Meeting or event space

7. (1) The person responsible for a business or place that is open may only rent out meeting or event space if the meeting or event space is only rented out,

- (a) for a day camp for children described in section 27 of Schedule 2;
- (b) for the purpose of providing child care within the meaning of the *Child Care and Early Years Act, 2014*;
- (c) for the purpose of the provision of social services;
- (d) for the purpose of delivering or supporting the delivery of court services;
- (e) for operations by or on behalf of a government;
- (f) for the purpose of delivering or supporting the delivery of government services; or
- (g) for the purpose of delivering or supporting mental health support services or addictions support services, so long as no more than ten people are permitted to occupy the rented space.

(2) The person responsible for a business or place that is open shall,

- (a) record the name and contact information of every member of the public who attends a meeting or event;
- (b) maintain the records for a period of at least one month; and
- (c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

Sale and service of liquor

8. (1) The person responsible for a business or place that is open and in which liquor is sold or served under a licence or a special occasion permit shall ensure that,

- (a) liquor is sold or served only between 9 a.m. and 9 p.m.; and
- (b) no consumption of liquor is permitted in the business or place between the hours of 10 p.m. and 9 a.m.

(2) The conditions set out in subsection (1) do not apply with respect to businesses and places in airports.

(3) The conditions set out in subsection (1) do not apply with respect to,

- (a) the sale of liquor for removal from licensed premises in accordance with section 56.1 of Regulation 719 (Licences to Sell Liquor) made under the *Liquor Licence Act*; and
- (b) the sale of liquor for delivery in accordance with section 56.2 of Regulation 719 (Licences to Sell Liquor) made under the *Liquor Licence Act*.

Driving instruction

9. The person responsible for a business or place shall ensure that no in-person driving instruction is provided by or at the business or place.

Cleaning requirements

10. (1) The person responsible for a business or place that is open shall ensure that,

- (a) any washrooms, locker rooms, change rooms, showers or similar amenities made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition; and
- (b) any equipment that is rented to, provided to or provided for the use of members of the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

(2) For greater certainty, clause (1)(b) applies to computers, electronics and other machines or devices that members of the public are permitted to operate.

SCHEDULE 2 BUSINESSES THAT MAY OPEN

Supply chains

1. Businesses that supply businesses or places that are permitted to open within Ontario, or that supply businesses or services that have been declared essential in a jurisdiction outside of Ontario, with the support, products, supplies, systems, or services, including processing, packaging, warehousing, distribution, delivery, and maintenance necessary to operate.

Retailers

2. The following businesses that engage in retail sales to the public:

1. Supermarkets and grocery stores.
2. Convenience stores.
3. Discount and big box retailers selling groceries.
4. Hardware stores.
5. Safety supply stores.
6. Pharmacies.
7. Stores, other than stores described in section 3, that sell liquor, including beer, wine and spirits.

3. (1) Restaurants, bars, food trucks, concession stands and other food or drink establishments that meet the conditions set out in subsection (2).

(2) A business described in subsection (1) may open only for the purpose of providing take-out, drive-through or delivery service.

(3) Despite subsection (2), the following establishments may provide in-person dining if they meet the conditions set out in paragraphs 1, 2, 3, 4, 6, 8, 9, 10, 12, and 13 of subsection 1 (1) of Schedule 2 to Ontario Regulation 263/20 (Rules for Areas in Stage 2):

1. Establishments on hospital premises.
2. Establishments in airports.
3. Establishments located within a business or place where the only patrons permitted at the establishment are persons who perform work for the business or place in which the establishment is located.
4. Nightclubs and strip clubs that open solely as food or drink establishments and that comply with the conditions set out in section 3.

5. (1) Shopping malls that comply with the following conditions:

1. Members of the public must only be permitted to enter the shopping mall,
 - i. for the purpose of accessing a business or place that is permitted to be open under this Order,
 - ii. for the purpose of accessing a designated location described in subsection (2),
 - iii. for the purpose of delivering or supporting the delivery of court services,
 - iv. for operations by or on behalf of a government, or
 - v. for the purpose of delivering or supporting the delivery of government services.
2. Members of the public who enter the shopping mall for a reason described in paragraph 1 must not be permitted to loiter in any area of the shopping mall that is not related to the purpose of their visit.

(2) A shopping mall may establish designated locations for the purpose of allowing patrons to pick up an order from a business or place inside or adjacent to the shopping mall.

6. (1) Businesses that meet the conditions set out in subsection (2) and that sell,

- (a) motor vehicles, including cars, trucks and motorcycles;
- (b) recreational vehicles, including motor homes;
- (c) trailers and travel trailers;
- (d) boats and other watercraft; or
- (e) other motorized vehicles, including power-assisted bicycles, golf carts, scooters, snowmobiles and all-terrain vehicles.

(2) A business described in subsection (1) may only open if they meet the following conditions:

1. Members of the public must only be permitted to access the premises by appointment.
2. Members of the public must not be permitted in areas where the products described in subsection (1) are neither sold nor displayed for sale.
3. If members of the public are permitted to test drive any of the vehicles, boats or watercraft,
 - i. the test drive must be limited to no more than 10 minutes,

- ii. a maximum of two people, including up to one sales representative, may be present in the vehicle, boat or watercraft during the test drive, and
- iii. if two people who are not members of the same household are present in the vehicle during the test drive, any windows in the vehicle, boat or watercraft must be opened at all times.

7. Garden centres and plant nurseries, including greenhouses that engage in retail sales to the public, that only provide their products to patrons,

- (a) in a manner that allows members of the public to remain in an outdoor area of the business at all times;
- (b) by appointment; or
- (c) through an alternative method of sale that does not require patrons to enter the indoor area of the business, such as curb side pick-up or delivery.

8. Outdoor markets, including farmer's markets and holiday markets, that meet the following conditions:

- 1. Products must only be provided to patrons,
 - i. in a manner that allows members of the public to remain in an outdoor area at all times, or
 - ii. through an alternative method of sale that does not require patrons to enter the indoor area, such as curb side pick-up or delivery.
- 2. If an area at the market is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- 3. If an area at the market is equipped with a retractable roof and the roof is retracted, at least one full side of the area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.

9. Businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies.

10. (1) Businesses not already described in sections 2 to 9 that engage in retail sales to the public and that meet the following conditions:

- 1. Sales must be exclusively made using an alternative method of sale that does not require patrons to enter the indoor area of the business, including curb side pick-up or delivery.
- 2. If the business allows patrons to pick up items at the business, it must have,
 - i. a public entrance that opens onto a street or exterior sidewalk, or
 - ii. an entrance facing into a shopping mall.

(2) For greater certainty, cannabis retail stores operating under the authority of a retail store authorization issued under the *Cannabis Licence Act, 2018* may open if they comply with the conditions set out in subsection (1).

Services

- 11. Rental and leasing services, including automobile, commercial and light industrial machinery and equipment rental.
- 12. Gas stations and other fuel suppliers.
- 13. Automated and self-service car washes.
- 14. Laundromats and dry cleaners.
- 15. Lawn care services and landscaping services.
- 16. Security services for residences, businesses and other properties.
- 17. Domestic services that support the operation of households, including housekeeping, cooking, indoor and outdoor cleaning and maintenance services.
- 18. Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services.
- 19. Courier, postal, shipping, moving and delivery services.
- 20. Funeral and related services.
- 21. Staffing services including providing temporary help.
- 22. (1) Veterinary services and other businesses that provide for the health and welfare of animals, including farms, boarding kennels, stables, animal shelters and research facilities.

(2) For greater certainty, nothing in this Order precludes a person responsible for a boarding kennel or stable from allowing an animal's owner or their representative to visit the animal, assist in the care or feeding of the animal or, as applicable, ride the animal.

23. Businesses that provide pet services, including pet grooming services, pet sitting services, pet walking services and pet training services, including services for the training and provision of service animals.

24. Providers of child care within the meaning of the *Child Care and Early Years Act, 2014*.

25. Hotels, motels, lodges, cabins, cottages, resorts and other shared rental accommodation, including student residences, that meet the following condition:

1. Any indoor pools, indoor fitness centres, or other indoor recreational facilities that are part of the operation of these businesses, are closed.

26. (1) Seasonal campgrounds that meet the following conditions:

1. Campsites must be made available only for trailers and recreational vehicles that,
 - i. are used by individuals who are in need of housing, or
 - ii. are permitted to be there by the terms of a full season contract.
2. Only campsites with electricity, water service and facilities for sewage disposal may be provided for use.
3. All recreational facilities in the campground and all other shared facilities in the campground, other than washrooms and showers, must be closed.
4. Other areas of the seasonal campground must be closed to the general public and must only be opened for the purpose of preparing the seasonal campground for reopening.

(2) The conditions set out in subsection (1) do not apply with respect to campground rentals that were reserved on or before November 22, 2020.

27. (1) Day camps for children that are operated in a manner consistent with the safety guidelines for COVID-19 for summer day camps produced by the Office of the Chief Medical Officer of Health.

(2) For greater certainty, camps that provide supervised overnight accommodation for children are not permitted to open.

28. (1) Community centres and multi-purpose facilities that open to provide space for any, some or all of the following and that meet the requirements set out in subsection (2):

1. A day camp for children described in section 27.
2. A provider of child care within the meaning of the *Child Care and Early Years Act, 2014*.
3. Mental health support services or addictions support services, so long as no more than ten people are permitted to occupy the space.
4. The provision of social services.

(2) The person responsible for a community centre or multi-purpose facility that is open shall,

- (a) record the name and contact information of every member of the public who attends the community centre or multi-purpose facility;
- (b) maintain the records for a period of at least one month; and
- (c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

29. Cheque cashing services.

Financial services

30. Businesses that provide the following financial services:

1. Capital markets and related securities trading and advisory services.
2. Banking/credit union activities including credit intermediation.
3. Insurance.
4. Land registration services.
5. Pension and benefits payment services.
6. Financial services including payroll and payment processing and accounting and tax services.

31. (1) Real estate agent services that do not host, provide or support any open house events.
- (2) Nothing in subsection (1) prevents a real estate agency from showing a property by appointment.

Telecommunications and IT infrastructure/service providers

32. Information Technology (IT) services, including online services, software products and the facilities necessary for their operation and delivery.

33. Telecommunications providers and services (phone, internet, radio, cell phones etc.) and facilities necessary for their operation and delivery.

34. Newspapers, radio and television broadcasting.

Maintenance

35. Maintenance, repair and property management services that manage and maintain the safety, security, sanitation and operation of institutional, commercial, industrial and residential properties and buildings.

Transportation services

36. Businesses and facilities that provide transportation services, including,

- (a) transportation services provided by air, water, road and rail, including taxis and other private transportation providers; and
- (b) support services for transportation services, including,
 - (i) logistical support, distribution services, warehousing and storage, truck stops and tow operators, and
 - (ii) services that support the operations and safety of transportation systems including maintenance and repairs.

37. (1) Marinas, boating clubs and other organizations that maintain docking facilities for members or patrons that meet the following condition:

1. Any clubhouse, restaurant, pool, meeting room, fitness centre or other recreational facility on the premises must be closed to the public, except for any portion of those areas that,
 - i. is used to provide first aid services,
 - ii. is used to provide take-out or delivery service,
 - iii. contains a washroom, or
 - iv. provides access to an area described in subparagraph i, ii or iii.

(2) For greater certainty, nothing in this Order precludes a person responsible for a marina, boating club or other organization that maintains docking facilities for members or patrons from operating a grocery or convenience store on the premises or from providing fuel supply, watercraft repair and servicing, watercraft docking and watercraft launching services.

38. Businesses that provide and support online retail, including by providing warehousing, storage and distribution of goods that are ordered online.

Manufacturing

39. Businesses that extract, manufacture, process and distribute goods, products, equipment and materials, including businesses that manufacture inputs to other manufacturers (e.g. primary metal/steel, blow molding, component manufacturers, chemicals, etc. that feed the end-product manufacturer), regardless of whether those other manufacturers are inside or outside of Ontario, together with businesses that support and facilitate the movement of goods within integrated North American and global supply chains.

Agriculture and food production

40. Businesses that produce food and beverages, and agricultural products including plants, including by farming, harvesting, aquaculture, hunting and fishing.

41. Businesses that process, manufacture or distribute food, beverages, crops, agricultural products, animal products and by-products.

42. Businesses that support the food or agricultural products supply chains and the health and safety of food, animals and plants.

Construction

43. Construction activities or projects and related services that support construction activities or projects, including demolition services.

44. Land surveyors.

Resources and energy

45. Businesses that provide and ensure the domestic and global continuity of supply of resources, including, resource exploration, mining, forestry, aggregates, petroleum, petroleum by-products and chemicals.

46. Electricity generation, transmission, distribution and storage and natural gas distribution, transmission and storage.

Community services

47. Businesses that deliver or support the delivery of community services including,

- (a) sewage treatment and disposal;
- (b) collecting, transporting, storing, processing, disposing or recycling of any type of waste;
- (c) potable drinking water;
- (d) critical infrastructure repair and maintenance including roads, dams, bridges, etc.;
- (e) environmental rehabilitation, management and monitoring, and spill clean-up and response;
- (f) administrative authorities that regulate and inspect businesses;
- (g) professional and social services that support the legal and justice system;
- (h) government services including but not limited to policing and law enforcement, fire and emergency services, paramedics, coroner and pathology services, corrections and court services, licences and permits; and
- (i) allotment gardens or community gardens.

Facilities for indoor or outdoor sports and recreational fitness activities

48. (1) Facilities for indoor or outdoor sports and recreational fitness activities that meet the conditions set out in subsection (2) or the conditions set out in subsection (3), as applicable.

(2) A facility for indoor or outdoor sports and recreational fitness activities may open if it meets the following conditions:

1. The facility is,
 - i. operated by, or for the sole use of, persons who are athletes, coaches or officials training or competing to be a part of Team Canada at the next summer or winter Olympic Games or Paralympic Games, if the persons are,
 - A. identified by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee, and
 - B. permitted to train, compete, coach or officiate under the safety protocols put in place by a national sport organization mentioned in sub-subparagraph A, or
 - ii. operated by a sports team in one of the following leagues:
 - A. Canadian Elite Basketball League.
 - B. Canadian Football League.
 - C. Major League Baseball.
 - D. Major League Soccer.
 - E. National Basketball Association.
 - F. National Hockey League.
 - G. National Lacrosse League.
2. If the facility is operated by a sports team, the team's league must have established a health and safety protocol for the use of training facilities, and the facility must be operated in compliance with the health and safety protocol.
3. The only persons permitted to enter and use the facility must be,
 - i. players, athletes, coaches or officials who are using the facility for the purposes of training or conditioning, and
 - ii. such staff as are strictly necessary to operate the facility and support the training or conditioning of the players.

(3) A facility for indoor or outdoor sports and recreational fitness activities may open if it meets the following conditions:

1. The facility must open solely for the purpose of providing space for any, some or all of the following:
 - i. A day camp for children described in section 27.
 - ii. A provider of child care within the meaning of the *Child Care and Early Years Act, 2014*.

- iii. Mental health support services or addictions support services, so long as no more than ten people are permitted to occupy the space.
 - iv. The provision of social services.
2. The person responsible for the facility must,
- i. record the name and contact information of every member of the public who attends the space described in paragraph 1,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

Recreation

49. Businesses whose primary purpose is to operate an outdoor recreational amenity that is permitted to open under section 4 of Schedule 3.

50. Horse racing facilities that meet the following conditions:

- 1. They are only open for training and not for racing.
- 2. No members of the public are permitted at the facility.

Research

51. Businesses and organizations that maintain research facilities and engage in research, including medical research and other research and development activities.

Health care and social services

52. Organizations and providers that deliver home care services or personal support services to seniors and persons with disabilities.

53. Regulated health professionals.

54. Professionals or organizations that provide in-person counselling services.

55. Organizations that provide health care including retirement homes, hospitals, clinics, long-term care facilities, independent health facilities and mental health and addictions counselling supports.

56. Laboratories and specimen collection centres.

57. Manufacturers, wholesalers, distributors and retailers of pharmaceutical products and medical supplies, including medications, medical isotopes, vaccines and antivirals, medical devices and medical supplies.

58. Manufacturers, distributors and businesses that provide logistical support of or for products and/or services that support the delivery of health care in all locations.

59. Organizations that provide critical personal support services in home or residential services for individuals with physical disabilities.

60. Organizations that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals.

61. Businesses that are primarily engaged in the provision of health and safety training and that meet the following conditions:

- 1. The instructional space for any in-person training must be operated to enable students to maintain a physical distance of at least two metres from every other person in the instructional space, except where necessary for teaching and instruction that cannot be effectively provided if physical distancing is maintained.
- 2. The total number of students permitted to be in each instructional space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event cannot exceed 10 persons.

Media industries

62. Sound recording, production, publishing and distribution businesses.

63. Film and television production, including all supporting activities such as hair, makeup and wardrobe, that meet the following conditions:

- 1. No studio audiences may be permitted to be on the film or television set.

2. The set must be configured and operated in such a way as to enable persons on the set to maintain a physical distance of at least two metres from other persons, except where necessary for the filming of the film or television production.
3. Persons who provide hair or makeup services must wear appropriate personal protective equipment.
4. Singers and players of brass or wind instruments must be separated from any other performers by plexiglass or some other impermeable barrier.
64. Film and television post-production, visual effects and animation studios.
65. Book and periodical production, publishing and distribution businesses.
66. (1) Commercial and industrial photography.
- (2) For greater certainty, subsection (1) does not permit retail photo studios to open.
67. Interactive digital media businesses, including,
 - (a) computer system software or application developers and publishers; and
 - (b) video game developers and publishers.

Entertainment

68. (1) Concert venues, theatres and cinemas that meet the conditions set out in subsection (2) or that meet the conditions set out in subsections (3), (4) and (5), as applicable.

(2) Concert venues, theatres and cinemas may open for the purpose of rehearsing or performing a recorded or broadcasted concert, artistic event, theatrical performance or other performance if they comply with the following conditions:

1. No spectators may be permitted in the concert venue, theatre or cinema.
2. Every performer and other person who performs work for the concert venue, theatre or cinema must maintain a physical distance of at least two metres from every other person, except,
 - i. if it is necessary for the performers or other persons to be closer to each other for purposes of the performance or rehearsal, or
 - ii. where necessary for the purposes of health and safety.
3. Singers and players of brass or wind instruments must be separated from any other performers by plexiglass or some other impermeable barrier.
4. The person responsible for the concert venue, theatre or cinema must,
 - i. record the name and contact information of every performer and other person who performs work for the concert venue, theatre or cinema who enters an indoor area of the facility,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(3) Drive-in cinemas may open if they comply with the conditions set out in subsection (5).

(4) Concerts, artistic events, theatrical performances and other performances may be provided if they are provided in a drive-in or drive-through format that complies with the conditions set out in subsection (5).

(5) The conditions referred to in subsections (3) and (4) are the following:

1. Each person in attendance at the drive-in cinema or the drive-in or drive-through concert, event or performance, other than persons who perform work for the drive-in cinema or the drive-in or drive-through concert, event or performance, must remain within a motor vehicle designed to be closed to the elements except,
 - i. where necessary to purchase admission,
 - ii. where necessary to use a washroom, or
 - iii. as may otherwise be required for the purposes of health and safety.
2. Every motor vehicle at the drive-in cinema or the drive-in or drive-through concert, event or performance may only contain members of a single household plus a maximum of one additional person from outside that household who lives alone.
3. The driver of a motor vehicle at the drive-in cinema or the drive-in or drive-through concert, event or performance must ensure that it is positioned at least two metres away from other motor vehicles.

4. Every person who performs work at the drive-in cinema or the drive-in or drive-through concert, event or performance must remain at least two metres apart from motor vehicles and from other persons, except for the purposes of facilitating the purchase of admission, food or beverages.
5. Food and beverages may only be sold to persons in attendance at the drive-in cinema or the drive-in or drive-through concert, event or performance if they are delivered directly to the person's motor vehicle.
6. No materials may be exchanged between persons in attendance at the drive-in cinema or the drive-in or drive-through concert, event or performance, except,
 - i. materials exchanged between members of the same motor vehicle,
 - ii. materials exchanged between persons who perform work for the drive-in cinema or the drive-in or drive-through concert, event or performance, and
 - iii. such materials as are necessary to facilitate the purchase of admission, food or beverages.

SCHEDULE 3 PLACES THAT MUST CLOSE OR THAT ARE SUBJECT TO CONDITIONS

Public libraries

1. (1) Public libraries may only open if they comply with the following conditions:
 1. Circulating materials must be reserved over the telephone or online.
 2. Circulating materials may only be exchanged with members of the public through contactless drop-off, pick-up or delivery.
 3. Patrons must only be permitted to enter the premises to facilitate contactless drop-off and pick-up or to access computers, photocopiers or similar services.
 4. Patrons must not be permitted to be in the book stacks, or to handle circulating materials that are shelved, or in other areas of library storage.
 5. Circulating materials returned to the library must be disinfected or quarantined for an appropriate period of time before they are recirculated.
 6. The person responsible for the public library must comply with subsection (3), if applicable.
- (2) The conditions set out in paragraphs 3 and 4 of subsection (1) do not apply with respect to any space the library provides for,
 - (a) a day camp for children described in section 27 of Schedule 2;
 - (b) a provider of child care within the meaning of the *Child Care and Early Years Act, 2014*;
 - (c) mental health support services or addictions support services, so long as no more than ten people are permitted to occupy the space; or
 - (d) the provision of social services.
- (3) The person responsible for a public library shall,
 - (a) record the name and contact information of every member of the public who attends the space described in subsection (2);
 - (b) maintain the records for a period of at least one month; and
 - (c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

Post-secondary institutions

2. (1) Post-secondary institutions may only open if they meet the following conditions:
 1. In-person teaching or instruction may only be provided if the following conditions are met:
 - i. The subject matter of the teaching or instruction requires that it be taught in-person, such as clinical training or training related to a trade.
 - ii. The instructional space must be operated to enable students to maintain a physical distance of at least two metres from every other person in the instructional space, except where necessary for teaching and instruction that cannot be effectively provided if physical distancing is maintained.

- iii. The total number of students permitted to be in each instructional space at the institution at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event cannot exceed 10 persons.
- 2. If in-person teaching or instruction at the institution involves singing or the playing of brass or wind instruments,
 - i. every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier, and
 - ii. every person in the instructional space must remain at least two metres apart from every other person in the instructional space.
- 3. Any in-person examinations must be provided in accordance with the following rules:
 - i. Every person in the examination room must remain at least two metres apart from every other person in the examination room.
 - ii. No more than 10 persons may write the examination in the same room at the same time.

(2) In this section,

“post-secondary institution” means,

- (a) a university,
- (b) a college of applied arts and technology,
- (c) a private career college,
- (d) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*,
- (e) an institution that is authorized to grant a degree by an act of the Legislature,
- (f) a person who is delivering in-person teaching or instruction in accordance with a consent given under section 4 of the *Post-secondary Education Choice and Excellence Act, 2000*,
- (g) a person approved to provide training for apprenticeship programs under paragraph 5 of section 64 of the *Ontario College of Trades and Apprenticeship Act, 2009*, or
- (h) any other institution that is a designated learning institution within the meaning of section 211.1 of the *Immigration and Refugee Protection Regulations* (Canada), other than a school or private school within the meaning of the *Education Act*.

Schools and private schools

3. (1) Schools and private schools within the meaning of the *Education Act* may only open if they meet the following conditions:

- 1. They must be operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health.
- 2. If in-person teaching or instruction at the institution involves singing or the playing of brass or wind instruments,
 - i. every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier, and
 - ii. every person in the instructional space must remain at least two metres apart from every other person in the instructional space.
- 3. If a person who holds a study permit issued under the *Immigration and Refugee Protection Act* (Canada) and who entered Canada on or after November 17, 2020 attends the school, in-person teaching or instruction may only be provided to that person if the school or private school,
 - i. has a plan respecting COVID-19 that has been approved by the Minister of Education, and
 - ii. operates in accordance with the approved plan.

(2) The conditions set out in paragraphs 1 and 2 of subsection (1) do not apply to a school operated by,

- (a) a band, a council of a band or the Crown in right of Canada;
- (b) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada; or
- (c) an entity that participates in the Anishinabek Education System.

Recreational amenities

4. (1) Each person responsible for an indoor or outdoor recreational amenity that is not in compliance with this section, and that is not a facility for indoor or outdoor sports and recreational fitness activities that is permitted to open under section 48 of Schedule 2, must ensure that it is closed.

(2) The following outdoor recreational amenities may open if they are in compliance with subsection (3):

1. Parks and recreational areas.
 2. Baseball diamonds.
 3. Batting cages.
 4. Soccer, football and sports fields.
 5. Tennis, platform tennis, table tennis and pickleball courts.
 6. Basketball courts.
 7. BMX parks.
 8. Skate parks.
 9. Golf courses and driving ranges.
 10. Frisbee golf locations.
 11. Cycling tracks and bike trails.
 12. Horse riding facilities.
 13. Shooting ranges, including those operated by rod and gun clubs.
 14. Ice rinks.
 15. Ski hills.
 16. Snow trails, including snowmobile, cross country ski and snow shoe trails.
 17. Playgrounds.
 18. Portions of parks or recreational areas containing outdoor fitness equipment.
- (3) An outdoor recreational amenity described in subsection (2) may only open if,
- (a) any person who enters or uses the amenity maintains a physical distance of at least two metres from any other person who is using the facility or place;
 - (b) team sports are not practised or played within the amenity;
 - (c) other sports or games that are likely to result in individuals coming within two metres of each other are not practised or played within the amenity; and
 - (d) any locker rooms, change rooms, showers and clubhouses remain closed, except to the extent they provide access to a washroom or a portion of the amenity that is used to provide first aid.

Museums, etc.

5. (1) Subject to subsection (2), museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions must be closed to members of the public.

(2) An institution described in subsection (1) may open to provide drive-in or drive-through access to the public if it complies with the conditions set out in subsection 68 (5) of Schedule 2 to the Act, subject to any necessary modifications.

SCHEDULE 4 ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS

Gatherings, Stage 1 areas

1. (1) Subject to sections 2 to 4, no person shall attend,
 - (a) an organized public event that is held indoors;
 - (b) a social gathering that is held indoors, including a social gathering associated with a gathering described in clause (d);
 - (c) an organized public event or social gathering of more than 10 people that is held outdoors, including a social gathering associated with a gathering described in clause (d); or
 - (d) a gathering of more than 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony.

(2) A person attending an organized public event, social gathering or a gathering for the purposes of a wedding, a funeral or a religious service, rite or ceremony shall comply with public health guidance on physical distancing.

(3) For greater certainty, subsections (1) and (2) apply with respect to an organized public event, social gathering or a gathering for the purposes of a wedding, a funeral or a religious service, rite or ceremony, even if it is held at a private dwelling.

Exception, members of single household

2. Section 1 does not apply with respect to a gathering of members of a single household, or a gathering that includes members of a household and one other person from outside that household who lives alone.

Exception, attendance at business

3. The prohibitions on attendance at an organized public event in subsection 1 (1) do not apply with respect to attendance at a business for a purpose related to providing or receiving the goods or services provided by the business if the business is not required to close under this Order.

Gathering in motor vehicles for religious service, rite or ceremony

4. (1) This section applies with respect to gatherings for the purposes of a wedding, funeral, religious service, rite or ceremony if the persons attending the gathering, other than those conducting the service, rite or ceremony, do so in a motor vehicle.

(2) Clause 1 (1) (d) does not apply to a person who attends a gathering to which this section applies if the person follows all of the following precautions that apply to the person:

1. Each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements, except,
 - i. where necessary to use a washroom, or
 - ii. as may otherwise be necessary for the purposes of health and safety.
2. The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
3. A person who ordinarily uses a non-motorized vehicle because of their religious belief and who attends the gathering must remain within their non-motorized vehicle except where necessary to use a washroom or as may otherwise be required for health and safety, and paragraph 2 applies with necessary modifications.

Commencement

5. This Regulation comes into force on the later of November 23, 2020 and the day it is filed.

Français

[Back to top](#)